

Decision Record for a Right-of-Way for a Natural Gas Pipeline on Public Lands

NEPA Number: DOI-BLM-NV-S010-2010-0111-CX

Compliance

The proposed action is in conformance with the approved land use plan and is consistent with the applicable plans and policies of county, state, tribal and federal agencies. The proposed project is in compliance with the Federal Land Policy and Management Act (FLPMA) of 1976 and all BLM land uses in Southern Nevada, the Las Vegas Resource Management Plan (RMP), the Endangered Species Act, the National Historic Preservation Act, and the Clean Water Act.

Selected Action

The selected action is a right-of-way (ROW) for a 2-inch and 4-inch Polyethylene natural gas pipeline. The pipeline is necessary to facilitate the distribution of natural gas to the new elementary and middle schools to be constructed within Recreation and Public Purpose Lease N-80963-01. The pipeline will be located on the north boundary of the R&PP lease (Chartan Avenue) and within the R&PP lease itself. The ROW grant area is 20 feet X 1715 feet, approximately 0.8 acres. The area is already disturbed due to construction of the schools.

Compliance with NEPA:

The proposed action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 11.9, E. (12). "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-way."

LOCATED WITHIN THE BOUNDARY OF ROW N-65870 to Clark County for Chartan Avenue. NEPA No. 2002-148-EA

LOCATED WITHIN THE BOUNDARY OF ROW N-87448 to Las Vegas Valley Water District for a water pipeline. NEPA Number: 2009-269-CX

LOCATED WITHIN THE BOUNDARY OF ROW N-66098 to Clark County for an addition to Chartan Avenue. NEPA Number: 2-0-269-CX

LOCATED WITHIN THE BOUNDARY OF R&PP N-80963-01 to Clark County School District for two schools. NEPA Number: 2006-73-EA

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Public Involvement:

Consultation and coordination was carried out with federal, state, and local agencies and interested parties under the original environmental analyses for ROW N-65870, and N-87448 and R&PP Lease N-80963-01.

Rationale:

The proposed action is in conformance with the approved land use plan: Las Vegas Resource Management Plan and Final Environmental Impact Statement, and Record of Decision for the Approved Las Vegas Resource Management Plan and Final Environmental Impact Statement, October 1998.

The action meets right-of-way objective RW-1: “Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings, communications, flood control, major utility transmission lines, and related facilities.”

The action meets objective RW-1-h: “All public land within the planning area...are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy Management Act.”

Appeal or Protest Opportunities:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and the information provided in BLM Form 1842-1.

If an appeal is taken, your notice of appeal must be filed in the Las Vegas Field Office, Bureau of Land Management, U.S. Department of the Interior, 4701 North Torrey Pines Drive, Las Vegas, Nevada 89130, within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition (request) pursuant to regulations 43 CFR 2801.10 or 2881.10 for a stay (suspension) of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay must accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of immediate and irreparable harm if the stay is not granted, and
4. Whether the public interest favors granting the stay.

Authorizing Official:

Beth Ransel, Acting Assistant Field Manager
Division of Lands

Date

Contact Person

For additional information concerning this Finding, contact.

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